

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE: *EX PARTE* APPLICATION OF
LAURA CÁCERES, BERTHA CÁCERES,
AND SALVADOR CÁCERES FOR
ASSISTANCE BEFORE A FOREIGN
TRIBUNAL

) CASE NO.: 1:19-mc-00405-KS-RHW
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DECLARATION OF ROXANNA ALTHOLZ

I, Roxanna Altholz, declare as follows:

1. I am duly authorized to practice law in the State of New York and I am admitted *pro hac vice* to practice before this Court.

2. I represent applicants Bertha Isabel Zúniga Cáceres, Laura Yolanda Zúniga Cáceres, and Salvador Edgardo Zúniga Cáceres in the above-captioned matter.

3. I speak, read, and write in both English and Spanish fluently. I have reviewed the Order to Open Trial cited in this declaration as well as the relevant Articles of the Honduran Code of Criminal Procedure, which are written in Spanish, and have knowledge and understanding of the information contained therein. I have knowledge of the following facts, and if called upon would and could testify competently thereto.

4. Attached as Exhibit A is a true and correct copy of the Spanish language Order to Open Trial (Auto de Apertura a Juicio) issued in Case No. 04-2018 J.N.M.D.C and dated August 26, 2020.

5. The Honduran Criminal Appeals Court denied the appeal filed by David Castillo and ordered the lower court to resume the preliminary proceedings in the murder prosecution against Castillo with a hearing on August 21, 2020. Ex. A at 6.

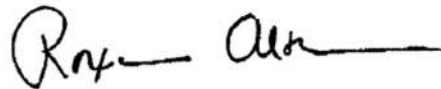
6. On August 26, 2020, the Magistrate Judge presiding over the pre-trial phase of

the murder prosecution against Castillo in Honduras issued an Order to Open Trial (Auto de Apertura a Juicio). *Id.* at 11-12. After finding that there was sufficient evidence to proceed to trial, the Magistrate Judge closed the “intermediate” stage of the prosecution, ordered Castillo to stand trial for the crime of murder, and referred his case to the Trial Court. *Id.* at 8, 11-12.

7. The Magistrate Judge’s order further required that the parties appear before the Trial Court within five calendar days from notice of the Order to Open Trial. *Id.* at 12. The Magistrate Judge also ordered the transfer of Castillo’s criminal file to the Trial Court within 48 hours from the issuance of the Order to Open Trial, in accordance with Article 303 of the Honduran Code of Criminal Procedure. *Id.*

8. Pursuant to Articles 316 and 317 of the Honduran Code of Criminal Procedure, a key pre-trial evidentiary hearing in Castillo’s murder prosecution will likely take place within the next four to six weeks. At that hearing, the Trial Court will determine what evidence will be presented at trial.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on September 4, 2020 in San Francisco, California.

A handwritten signature in black ink, appearing to read "Roxanna Altholz", written over a horizontal line.

Roxanna Altholz